

02375.002040.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------------------|---|----------------------------------|
| In re Application of: |) | |
| | : | Examiner: Not Yet Assigned |
| LEE WARD |) | |
| | : | Group Art Unit: Not Yet Assigned |
| Application No.: Not Yet Assigned |) | |
| | : | |
| Filed: Concurrently Herewith |) | |
| | : | |
| For: RECESSED DOWNLIGHT |) | |
| LIGHTING APPARATUS | : | August 12, 2003 |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Form PTO-1449. Pursuant to the recent changes to 37 C.F.R. 1.98(a)(2)(i), copies of the listed U.S. Patent documents are not enclosed (a copy of the PTO notice is attached).

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line and a checkmark-like flourish.

Attorney for Applicant

Registration No. 25,812

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
Doc. No. 369197

| | | | | | | | |
|---|--|--------------------|----------|---|-------|--|---------------------------------------|
| FORM PTO 1449 (modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT(S) (Use several sheets if necessary) | | | | ATTY DOCKET NO. 02375.002040. | | APPLICATION NO. Not Yet Assigned | |
| | | | | APPLICANT LEE WARD | | | |
| | | | | FILING DATE Concurrently Herewith | | GROUP Not Yet Assigned | |
| U.S. PATENT DOCUMENTS | | | | | | | |
| *EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
| | | 5,567,041 | 10/22/96 | Slocum | 362 | 148 | |
| | | 5,826,970 | 10/27/98 | Keller et al. | 362 | 147 | |
| | | 5,738,436 | 04/14/98 | Cummings et al. | 362 | 294 | |
| | | 5,941,625 | 08/24/99 | Morand | 362 | 148 | |
| | | 5,609,414 | 03/11/97 | Caluori | 362 | 366 | |
| | | 4,733,339 | 03/22/88 | Kelsall | 362 | 366 | |
| | | 6,132,069 | 10/17/00 | Sato et al. | 362 | 365 | |
| | | 6,375,338 B1 | 04/23/02 | Cummings et al. | 362 | 276 | |
| | | 5,122,944 | 06/16/92 | Webb | 362 | 365 | |
| | | 6,505,960 B2 | 01/14/03 | Schubert et al. | 362 | 365 | |
| | | 6,431,723 B1 | 08/13/02 | Schubert et al. | 362 | 147 | |
| | | | | | | | |
| | | | | | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | | |
| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION YES/NO/ OR ABSTRACT |
| | | | | | | | |
| | | | | | | | |
| OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| EXAMINER | | | | DATE CONSIDERED | | | |

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Sheet 1 of 1



UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)
[Index](#)
[Search](#)
[System Alerts](#)
[eBusiness Center](#)
[News & Notices](#)
[Contact Us](#)

Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003

Office of Patent Legal Administration << Pre-OG Notices << Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003

Background

The U.S. Patent and Trademark Office (USPTO or Office) regulations concerning Information Disclosure Statements (IDSs) currently require that copies of the cited references be submitted with the IDS listing. See 37 CFR 1.98 (a)(2). In a prior notice in the Official Gazette this requirement was partially waived with respect to U.S. patents and U.S. patent application publications when an applicant submitted an IDS using the Office's electronic filing system (as an electronic IDS, eIDS). See *Legal Framework for the Use of the Electronic Filing System*, 1263 Off. Gaz. Pat. Off. 60, 10/8/2002, Part V.

All U.S. applications [1] filed after June 30, 2003 are stored in electronic form in the Office's Image File Wrapper (IFW) system. [2] IDSs submitted for these electronic applications are processed by Office staff to create an electronic link which permits cited U.S. patents and U.S. patent application publications to be conveniently viewed by examiners through the Office's patent search system. This feature enables the Office to avoid scanning these documents into IFW, obviating the need for their submission.

Waiver

The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed.

Applicants are still required to submit copies of foreign patent documents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

FOR FURTHER INFORMATION CONTACT:

Questions concerning this waiver may be submitted to Jay Lucas by e-mail at Jay.Lucas@uspto.gov or by telephone at (703) 308-6868. Comments may also be submitted by mail addressed to: Commissioner for Patents, Box Comments - Patents, Post Office Box 1450, Alexandria, VA 22313-1450, or by facsimile to (703) 305-2919, marked to the attention of Jay Lucas.

Date: 07/11/2003

Signed: /s/ _____
STEPHEN G. KUNIN
Deputy Commissioner
for Patent Examination Policy

[1] Except in special situations, such as in applications under secrecy order or containing national security markings.

[2] See *Notification of United States Patent and Trademark Office Patent Application Records being Stored and Processed in*